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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/766,959

01/30/2004

Kyung-geun Lee

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EXAMINER

COLEMAN, VANESSA V

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

05/14/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/766,959	Applicant(s) LEE, KYUNG-GEUN	
	Examiner Vanessa (Brandi) Coleman	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 33,35 and 39-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33,35 and 39-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 33 and 44 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Shoji et al, US Patent Number 7,170,841 (hereafter "Shoji").

Regarding claim 33, Shoji discloses a reproducing and/or recording apparatus (Fig. 3, "recording/reproduction apparatus 300") for use with an optical information storage medium (Fig 1, "optical disc 100"), comprising: a reading unit ("optical head 303) which reproduces data from the optical information storage medium; and a controller ("CPU 309") which: controls the reading unit to reproduce data ([0070]) from a plurality of areas on the reproduction-only optical storage medium (Fig. 1, areas 107, 108, 109, 111, 112, and 113), and controls the reading unit to reproduce data from at least one transition area ("spare area 109") located between a first area ("disc information area 107") and a second area ("data area 110"), wherein a first track pitch of the first area is different from a second track pitch of the second area ([0079]).

Regarding claim 44, Shoji discloses a reproducing and/or recording apparatus

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(Fig. 3, "recording/reproduction apparatus 300") for use with an optical information storage medium (Fig 1, "optical disc 100"), comprising: a recording unit ("optical head 303) that records data on the optical information storage medium comprising a plurality of areas (Fig. 1, optical disc 100 and areas 107, 108, 109, 111, 112, and 113); and a controller ("CPU 309") which controls the recording unit to record data on the optical information storage medium ([0070]), wherein the optical information storage medium comprises a transition area ("spare area 109") located between a first area ("disc information area 107") and a second area ("data area 110"), and a first track pitch of the first area is different from a second track pitch of the second area ([0079]).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 35, 39-43 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Kadowaki et al, US Patent Publication Number 2004/0001414 (hereafter Kadowaki).

Regarding claim 35, Kadowaki discloses a reproducing and/or recording

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apparatus (Fig. 3, information reproducing apparatus) for use with an optical information storage medium (Fig. 1, optical storage medium 41), comprising: a pick-up unit which reproduces and/or records data from and/or on the optical information storage medium ([0172], optical pickup 4) and a controller (first control unit 7) which: controls the pick-up unit to reproduce data from at least one of a burst cutting area, a lead-in area (control data region 41a), a user data area (main information region 41b), and a lead-out area of the optical storage medium, and controls the reading pick-up unit to reproduce and/or record data from and/or on a transition area (Fig. 2, buffer region 41c) of the reproduction-only optical storage medium, wherein at least one of the BCA, the lead-in area, the user data area, and the lead-out area is divided into a first area (Fig. 2, 41a) and a second area (Fig. 2, 41d) and wherein the transition area is located between the first area and the second area (Fig. 2), and a first track pitch of the first area is different from a second track pitch of the second area (area 41a has track pitch Tp1, area 41d has track pitch Tp2).

Regarding claim 39, Kadowaki discloses an apparatus (Fig. 3, information reproducing apparatus) to reproduce and/or record data from an optical information storage medium (Fig. 1, optical storage medium 41) including a plurality of areas (Fig. 1, control data region 41a, main information region 41b) comprising: a pick-up unit to reproduce and/or record data from and/or on the plurality of areas of the optical information storage medium ([0174], optical pickup 4); and a controller (first control unit 7) to control the pick-up unit to reproduce and/or record data in the form of pit patterns

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from and/or on the plurality of areas including a first area (Fig. 2, 41a), a second area (Fig. 2, 41b), and a transition area (Fig. 2, 41c) positioned between the first and second areas in order to distinguish the first area from the second area, wherein a first track pitch of the first area is different from a second track pitch of the second area (41a has track pitch Tp1, 41b has track pitch Tp2).

Regarding claim 40, Kadowaki discloses the apparatus of claim 39, wherein the controller controls the pick-up unit to read a first pit pattern from the first area, and a second pit pattern from the second area (Fig. 2).

Regarding claim 41, Kadowaki discloses the apparatus of claim 40, wherein the first and second pit patterns each include one of a straight single pattern, a straight random pattern, a straight specific pattern, a wobbling single pattern, a wobbling random pattern, a wobbling specific pattern, and no pit patterns (Fig. 2, where the claimed feature is met because of the "one of" limitation).

Regarding claim 42, Kadowaki discloses the apparatus of claim 41, wherein amplitudes of the wobbling patterns gradually increase or decrease (where claimed feature is met because claim 41 was met by the reference's straight pattern and no pit pattern, claim 42 merely defining a characteristic of claim 41's wobble pattern).

Regarding claim 43, Kadowaki discloses the apparatus of claim 39, wherein the first area and the second area are not the same type and are one of a burst cutting area (BCA), the lead-in area (control area 41a), the user data area (main information area 41b), and the lead-out area (where claim is met due to "one of" limitation).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Abe et al, US Publication Number 2005/0169158, and Kim et al, US Publication Number 2003/0227853, where each discloses differing regions with differing track pitches, and/or the inclusion of a transition area between regions.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanessa (Brandi) Coleman whose telephone number is (571) 272-9081. The examiner can normally be reached on Mon-Thurs 8:30-6; 1st Fri off, 2nd Fri 8:30-5.

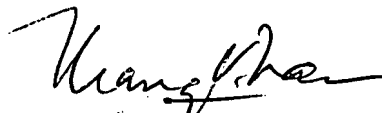
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vanessa (Brandi) Coleman  
Art Unit 2627

VC

  
**THANG V. TRAN**  
PRIMARY EXAMINER